IN THE HON'BLE COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ Petition No. 856 of 2004 (S/S)

Distt: Pauri – Garhwal.

Jitendra Singh Bist, Village Guniyal, Patty Badalpur, Tehsil Lansdowne, Pauri Garhwal Uttaranchal.

Petitioner.

Versus

1. State of Uttaranchal through the Chief Secretary, Uttaranchal Shasan, Dehradun.
2. The Commissioner, Garhwal Division, Pauri, Pauri Garhwal.
3. The Distt. Magistrate, Pauri Garhwal Pauri.
4. The Deputy Collector, Kotdwar, Pauri Garhwal.
5. The Sub-Divisional Officer, Pauri Garhwal.

Respondents.

Counsel : Sri P.B. Dhyani for the petitioner
Learned Standing Counsel for the respondents

Hon'ble M.M. Ghildiyal –J

Heard learned counsel for the petitioner & learned Standing counsel on behalf of respondents.

By means of this petition the petitioner who is working as a seasonal collection Amin in the District of Pauri Garhwal, has prayed for a direction to respondents to select the petitioner as seasonal collection Amin without artificial break till he is regularized to provide him work in the continuity. The petitioner has further prayed that he may be paid all consequential benefits. Both the parties have agreed that the petition be disposed of at the admission stage itself.

Learned Standing Counsel has submitted that there is no regular post of Amin in the District of Pauri Garhwal. Under the rules collector appoints seasonal collection Amin after obtaining approval from Commissioner of the division for 89 days whenever there is work for recovery of amount. Since there is no regular post of collection Amin the petitioner can not be regularized without any post. Prayer No. 1 is misconceived and, as such, can not be granted. In respect of continuity of service as already submitted by Learned Standing Counsel that there is no post of regular collection Amin, the petitioner can not be permitted to continue in service even if the work is not available. However, in case the work is available the collector shall obtain permission from the Commissioner and the petitioner shall be permitted to work. The third prayer of petitioner is to pay all the consequential benefits. The petitioner could not show his entitlement for consequential benefits and what consequential benefits he is demanding. The Collector shall not give the artificial break to the services of the seasonal collection Amin if the work is available and if there is proper sanction of the Commissioner as also and in case it is found that the work and conduct of the petitioner is upto the mark.

With these directions the writ petition is disposed of finally. No order as to costs.

(M.M. Ghildiyal, J)

Negi
28.07.2004